

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Tyron C. Wade,	) C/A No. 6:17-92-JFA-KFM	
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
Warden Riley,	)	
	)	
Respondent.	)	
_____	)	

The *pro se* petitioner, Tyron C. Wade, brings this action for habeas corpus relief pursuant to 28 U.S.C. § 2254.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that this court should dismiss the action for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 23, 2017. The petitioner

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

moved for and was granted an extension of time to respond to the Report and Recommendation. He has also filed a motion for a return of his property by prison officials.

Because it now appears that the petitioner wishes to continue to prosecute this action, the Court will not adopt the Report and Recommendation. The Clerk is requested to return this file back to the Magistrate Judge for further handling.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge

October 24, 2017  
Columbia, South Carolina